IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 8792 of 2005

Between:

V.S. Lingam S/o Ramaiah
Suryapet, Nalgonda District

..... PETITIONER

AND

The Depot Manager, APSRTC., Suryapet, Nalgonda District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order, or directions more in the nature of Writ of Mandamus declaring the office order dt 22-6-2000 passed by the respondent herein as illegal and arbitrary and contrary to APSRTC CC& A Regulations and set a side the same with all consequential benefits including arrears.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondent : MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the admission stage made the following :

ORDER:

Seeking to declare the action of the respondent in passing office order dated 22-6-2000, as illegal and arbitrary, the present writ petition is filed.

The petitioner is working as a Conductor in the respondent Corporation. He was charged on 8-1-2000, for certain cash and ticket irregularities in discharging his duties. He submitted his explanation, but the respondent without considering his explanation, passed an order on 22-06-2000 without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of two years, which shall have effect on his future increments. Hence, the petitioner filed this writ petition.

2. The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to him. Therefore, he approached this Court through this writ petition to declare that the action of the respondent is illegal and to direct the respondent to add the deferred increments.

3. It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority, without holding a regular departmental enquiry in terms of relevant service regulations.

4. Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of two years with cumulative effect, imposed by the respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of two years without cumulative effect. The petitioner is not entitled for the difference of the amount, if any, by virtue of this Order, but he is entitled to get the increment on notional calculation from the date of this order, to which, he is entitled.

5. The writ petition is, accordingly, disposed of. No costs.

_____

K.C.BHANU, J.

Dated: 20-04-2005.

rns

To:

1. The Depot Manager, APSRTC.,

Suryapet, Nalgonda District.

2. Two C.D.Copies.